

S.B.CRIMINAL MISC. BAIL APPLICATION NO.5169/2007

(Ram Prakash vs. State of Rajasthan)

DATE OF ORDER : November 14, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.M.K.Garg, for the petitioner.
Mr.Ashok Upadhyaya, Public Prosecutor for State.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned and the police investigation diary.

It is contended by learned counsel for the petitioner that there is a cross-case instituted against the complainant party being FIR No.289/2007, in which petitioner Ram Prakash himself suffered as many as seven injuries at the hands of the complainant party and the injury assigned to the present petitioner in the instant case is by sharp edged weapon i.e. injury No.2 on shoulder.

From perusal of the injury report, it appears that injury No.2 is on the left shoulder, which is simple in nature by blunt object and it cannot be said that the injury has been caused by

sharp edged weapon.

Be that as it may, having regard to the facts and circumstances of the case and the fact that there is a cross-case, in which the injuries suffered by the petitioner are comparatively grievous and more than the injuries suffered by the complainant of this case, I consider it just and proper to grant anticipatory bail to the petitioner.

Accordingly, the bail application filed by petitioner under section 438 Cr.P.C. is allowed and it is directed that in the event of arrest of petitioner Ram Prakash s/o Sohan Lal in FIR No.288/2007, Police Station, Tibi, Distt. Hanumangarh, he shall be released on bail for a period till the police concludes the investigation and files the challan provided he furnishes a personal bond in the sum of Rs.10,000/- along with one surety of like amount to the satisfaction of Investigating Officer to surrender and appear before the trial court on the date of filing of the challan after conclusion of the investigation on the following conditions:-

- (i) That he shall make himself available for interrogation by a police officer as and when required;
- (ii) That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing

such facts to the Court or to any police officer and;

(iii) That he shall not leave India without the previous permission of the Court.

The petitioner shall surrender before the trial court on the date of filing of the challan.

(H.R.PANWAR),J.

m.asif/-